

## **REMARKS**

Claims 1-21 are active and pending in the present application. Claims 2-11 and 13-18 stand rejected under the second paragraph of 35 USC §112 for failing to distinctly claim the subject matter of the invention. Claims 1-3, 5, 12-14, and 19-21 stand rejected under 35 USC §102 as being anticipated by U.S. Patent No. 6,529,905 (Bray et al.). Claims 4-11 and 15-18 stand rejected under 35 USC §103 as unpatentable over Bray et al. in view of U.S. Patent No. 6,850,938 (Sadjadi). In response, the following amendments and remarks are submitted.

## **STATUS OF CLAIMS**

Claims 1-21 are pending.

Claims 2-11 and 13-18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claims 1-3, 5, 12-14, and 19-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 6,529,905 (“Bray”).

Claims 4-11 and 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,529,905 (“Bray”) in view of 6,850,938 (“Sadjadi”).

Rejections under 35 USC §112

The preambles of claims 2-11 and 13-18 have been amended to more clearly indicate their dependency on their respective parent claims. In view of these amendments, Applicants solicit reconsideration and withdrawal of the rejections under the second paragraph of 35 USC §112.

Rejection under 35 USC §102

The Examiner asserts that Bray et al. identically disclose every feature recited in claims 1-3, 5, 12-14 and 19-21. Applicants respectfully disagree with this contention.

Specifically, claim 1 recites a method for controlling concurrent access of prefix encoded nodes in a hierarchically structured document. Bray et al. do not disclose such nodes in their system. Thus, Bray et al. do not anticipate claim 1 as meant under 35 USC §102. Because of the lack of prefix encoded nodes, Bray et al. also do not disclose other features recited in claim 1. For example, claim 1 recites implicitly deriving from said explicit lock request a set of locks for said determined ancestor nodes. This is possible in the present system because of the information in the prefix encoded nodes. (see paragraph [0027]). In contrast, Bray et al. must explicitly check a parent node to determine if there is a lock present on the parent node; so any subsequent lock in Bray et al. is not implicitly derived from the explicit lock request, as recited in claim 1. Furthermore, as seen in step (c) of claim 1, the claim is referring to implicit locks, whereas Bray et al. disclose only explicit locks. For at least these reasons, Applicants urge that Bray et al. do not identically disclose every feature of claim 1 and, therefore, do not anticipate

claim 1 as meant under 35 USC §102 . Reconsideration and withdrawal of the rejection of claim 1, and its dependent claims 2 and 3, are respectfully requested.

Claim 5 recites implicitly applying the set of derived implicit locks to the nodes.

Because Bray et al. is silent about implicit locks and teaches only explicit locks and applying explicit locks, Bray et al. do not identically disclose every feature recited in claim 5.

Reconsideration and withdrawal of the rejection of claim 5 are solicited.

Similar to claim 1, claims 12 and 19-21 also recite a) prefix encoded nodes in a hierarchically structured document and b) deriving a set of implicit locks from the node. Thus, for at least the reasons provided above with respect to claim 1, Applicants urge that Bray et al. also do not teach every feature recited in independent claims 12 and 19-21 and, therefore, do not anticipate these claims as meant under 35 USC §102 . Applicants respectfully request reconsideration and withdrawal of these rejections.

Because claims 13 and 14 depend from claim 12, and therefore incorporate all the features recited in claim 12, Applicants solicit reconsideration and withdrawal of the rejection under 35 USC §102 of claims 13 and 14.

#### Rejection under 35 USC §103

With respect to claims 4-11 and 15-18, the Examiner admits that Bray et al. do not identically disclose every feature recited in the claims but contends that Sadjadi discloses those missing elements and concludes it would have been obvious to modify Bray et al. as specifically taught by Sadjadi in order to “reduce the time and computational cost of lock management.”

Applicants urge that there is no realistic motivation to combine the teachings of the references as suggested by the Examiner with any expectation of success. The system of Bray et

al. has simple rules that are binary – if a lock exists, do not grant a lock; otherwise grant it. (See column 7, lines 20-32). Applicants urge that adding three different type of locking levels as taught in Sadjadi would not “reduce computational costs” as suggested by the Examiner. Instead, Sadjadi would further complicate the system of Bray et al. and Applicants urge that one of ordinary skill would not have been realistically motivated to modify Bray et al. in such a way to increase its complexity in an attempt to reduce computational costs. They are contradictory goals.

Furthermore, Sadjadi teaches away from the express teaching of Bray et al. in that Sadjadi includes a “share” lock so users can have concurrent access to a document in a read-only mode. In contrast, Bray et al. state that no locking mechanism is needed for simply viewing a document. (See column 6, lines 43-45).

For these two reasons, Applicants urge that one of ordinary skill would not have been realistically motivated to modify Bray et al. in view of Sadjadi as suggested by the Examiner. Without this motivation, there is no *prima facie* case of obviousness under 35 USC §103. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §103 of claims 4-11 and 15-18 are respectfully requested.

Additionally, these claims incorporate all the limitations from their parent claims 1 and 12. Applicants urge that the teachings of Sadjadi do not remedy the omissions discussed above with respect to Bray et al. and claims 1 and 12. Thus, neither individually or in combination, do these two references teach or suggest every feature recited in claims 4-11 and 15-18 and, therefore, do not provide the factual basis to establish a *prima facie* case of obviousness under 35 USC §103. Reconsideration and withdrawal of the rejection of claims 4-11 and 15-18 are solicited.

Furthermore, with respect to claims 6-8 and 16-18, these claims refer to intention locking and particular steps in granting and applying these types of intention locks. Sadjadi is entirely silent about intention locks and many of the passages referred to in the statement of the rejection refer to optimistic locks. First, optimistic locks are not the same as, or similar to, the implicit intention locks recited in these claims. Secondly, the Examiner refers to the optimistic lock of Sadjadi in rejecting claim 4 as equivalent to the “update lock” in that claim. It would appear to be inconsistent to now refer to it as equivalent to implicit intention locking in rejecting claims 6-8 and 16-18. Because the combination of Bray et al. and Sadjadi do not teach or suggest all the features recited in claims 6-8 and 16-18, Applicants urge that no prima facie case of obviousness has been established and, therefore, request reconsideration and withdrawal of the rejection of these claims.

#### SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of Applicants' presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this response has been timely filed, no request for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 09-0460.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicants' representative at the below number.

Respectfully submitted,

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